

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
H.L.C. 2/05/03 Item .6.d.

File Number
SP02-038

Application Type
Special Use Permit

Council District SNI
3 13th Street & University Neighborhoods

Planning Area
Central

Assessor's Parcel Number(s)
467-24-064

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Akoni Danielsen

Location: East side of South 7th Street approximately 250 feet southerly of East Santa Clara Street (70 South 7th Street)

Gross Acreage: 0.10

Net Acreage: 0.10

Net Density: n/a

Existing Zoning: R-M Multiple Residence

Existing Use: Vacant Single-family House

Proposed Zoning: No change

Proposed Use: Demolition of Single-family House

GENERAL PLAN

Completed by: AD

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AD

North: Residential

R-M Multiple Residence

East: Residential

R-M Multiple Residence

South: Residential

R-M Multiple Residence

West: Commercial

CG General Commercial

ENVIRONMENTAL STATUS

Completed by: AD

☐ Reuse of EIR
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☐ Exempt
☒ Environmental Review Incomplete

FILE HISTORY

Completed by: AD

Annexation Title: Original City

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions
☒ Denial
☐ Uphold Director's Decision

Date _____

Approved by: _____
☐ Action
☒ Recommendation

OWNER / DEVELOPER / DESIGNER

Ed Hepler
1645 Meadow Lark Lane
Tracy, CA 95376

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AD

Department of Public Works

None

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The owner/applicant, Ed Hepler, is proposing to demolish the subject single-family house. The structure is currently boarded-up and unoccupied. The site would be left vacant for future development.

The surrounding land uses are residential to the north, east and south, and commercial (Albertson's supermarket) to the west across South 7th Street. The site is located at the eastern edge of Downtown, a block to the east of the new Civic Center under construction, and a block to the north of San Jose State University. The site is located within the boundaries of two overlapping Strong Neighborhood Initiative Areas, 13th Street and University Neighborhoods, and both are adopted redevelopment project areas.

HISTORIC RESOURCE DESCRIPTION

This vernacular Classical Revival residence, built circa 1880, is **not** listed on the San Jose Historic Resources Inventory. It has, however, been evaluated as part of the East Downtown Frame Historic Resources Survey. The DPR and Historic Evaluation Tally for this property are attached.

The historic assessment of the structure indicates the house has significant historic character. The front gable form of the house and the simple details, such as fascia board and cornice returns, make this house an excellent example of a vernacular Classical Revival building. The house retains a high degree of historic integrity; the location, design, materials, workmanship, and association appear to remain unchanged. In addition, because most of the houses surrounding the property are historic, the setting of the residence is intact. The subject property may be a significant structure individually eligible under the National Register of Historic Places, and appears to qualify as a Candidate City Landmark.

Staff asked the applicant to give strong consideration to hiring a qualified preservation architect or preservation consultant to guide reuse of the building. A qualified preservation architect or consultant could facilitate compliance with the Secretary of the Interior Standards for Rehabilitation, the State Historic Building Code and any other applicable incentives. Staff provided the applicant with information on the Federal Rehab Tax Credit program, along with a list of historical consultants. The applicant, however, believes reuse of the structure is infeasible and continues to pursue demolition.

ZONING CODE PROVISIONS

Pursuant to Title 20, the Zoning Code, a Special Use Permit, heard by the Director of Planning, is needed to demolish a structure without an approved replacement plan for new development. On appeal, the application would be heard by the Planning Commission. However, if the applicant had a replacement plan for a new house, the regulatory process would change. As described above, the structure is not currently listed on the Historic Resources Inventory (although it is eligible). Therefore, if the applicant had a replacement plan for a single family house that met the R-M Multiple Residence Zoning District regulations, and did not meet any of the thresholds for a Single Family House Permit (i.e. it did not exceed 45% the lot area, and was not more than two stories and 30' in height), he could avoid a public Planning process and file for Building Permits for demolition of the existing building and construction of a new structure.

GENERAL PLAN CONFORMANCE

This property has a General Plan designation of Medium High Density Residential (12-25 DU/AC). The existing single-family house use is consistent with this designation. The potential adaptive reuse of the structure for multi-family housing would also be consistent. Demolition of the structure would conflict with General Plan historic preservation policies.

ANALYSIS

When a demolition is proposed, the Zoning Code (20.80.460) requires a determination whether the benefits of demolition outweigh the impacts, and establishes a set of criteria to consider:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San Jose;
5. Both inventoried and non-inventoried buildings, sites, and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition without an approved replacement plan should not have an adverse impact on the surrounding neighborhood.

While the house retains a high degree of historic integrity, it is in a severely deteriorated condition. According to the applicant, the structure has remained vacant since the mid 1970s. During the past 25 or more years, a number of the structure's components have degraded. Code Enforcement staff and a private structural engineer hired by the applicant have inspected the property and observed a number of issues.

First and foremost, the structure is uninhabitable in its current condition. The house leans to one side. The roof has rotted and decomposed, exposing the roof sheeting to the weather. Rain water has penetrated the roof holes and impacted the lower floors and interior walls. As a result most of the stud walls and floor sheeting and joists have rotted and decomposed. According to the structural engineer (letter attached), there is no positive blockings connection between the roof and floor sheeting to the lower levels. The existing footing is a mudsill type and is almost entirely rotted and nonexistent. The house has become a home to pigeons, and has attracted transients. In its current state, it is an eyesore and contributes blight to the neighborhood.

It appears the remaining features that can be salvaged are some framing, areas of exterior siding, and windows. It appears the structure would effectively have to be rebuilt in place, requiring a new foundation, some new exterior framing, new front and rear porches, new roofing and roof structure, new interior framing and sheetrock, custom replacement windows and doors, and all new plumbing, mechanical, and electrical systems.

Staff's preference would be for the applicant to pursue City Landmark status for the house, using available incentives, and rehabilitate the structure per the Secretary of the Interior's Standards for Rehabilitation. The structure could be used again as a single family dwelling, or given the R-M Multiple Residence Zoning, potentially be converted to several living units.

However, staff understands it is the applicant's preference to demolish the structure and leave the site vacant for future redevelopment. The applicant has stated he would be amenable to relocation of another historically significant structure in good condition to the site. The applicant has indicated the structure's rehab costs far exceed that of new construction, and they are not in a position to fund a rehab effort. Should the subject Special Use Permit be denied, the structure would presumably remain vacant and continue to deteriorate, contributing blight to the neighborhood. Code Enforcement could pursue corrective action, which could lead to an order for demolition by the Appeals Hearing Board.

COMMUNITY OUTREACH

A notice for the Historic Landmarks Commission meeting was mailed to the owner and all property owners and tenants within 300 feet of the subject site. In addition, a public hearing notice for the project will be mailed to all property owners and tenants within 300 feet of the subject site when the Director's Hearing date is identified. This is tentatively scheduled for late February, pending the Historic Landmarks Commission's consideration and recommendations on the application.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission recommend the following to the Director of Planning:

1. The applicant obtain a second opinion regarding the feasibility and general cost estimates of rehabilitation of the home. This second evaluation shall be conducted by an architect meeting the qualifications as outlined in the National Park Service professional standards (36 CFR Part 61). The consultant shall use the State Historic Building Code in the rehabilitation feasibility evaluation.
2. The results of the second evaluation be reported to the Historic Landmarks Commission at a subsequent meeting.
3. At this time the application does not appear to meet the criteria for demolition as outlined in the Zoning Code (20.80.460).

C: Lisa Jensen, University Neighborhoods Coalition
Norman Finnance, South University Neighborhoods Association